

Appl. No.: 10/628,862
Amdt. dated Mar 22, 2007
Reply to Office action of Jan. 3, 2007

Remarks/Arguments

Claims 1, 6, 9, 10 and 11 have been cancelled.

Claims 2-5, 7, 8, 12 and 13 have been amended.

Claims 14-16 are newly presented.

The specification has been extensively amended.

A new abstract has been provided.

Claims 2-5, 7, 8, 12 and 13 have been amended in an effort to overcome the examiner's rejection under 35 USC 112. Further, it is thought that newly presented claims 14-16 are in proper form.

Original claims 1-3, 6, 7, 10 and 12/10 were rejected under 35 USC 102(a) as anticipated by Michimoto (JP '835).

Claims 4/1, 4/2, 4/3, 8, 9, 11 and 12/1 are rejected under 35 USC 103 (a) as unpatentable over JP '835 in view of Hiroyuki JP '740 or Lechner '903.

Claim 1, the only independent claim originally presented, has been cancelled and replaced with independent claims 14 and 16. All other claims now depend from claims 14 and 16.

The JP'835 reference is directed to a camera assembly mounted on the lower area of the rear of the trunk of a passenger vehicle. The assembly includes a lid 10 pivoted with the trunk cover at the rear of the vehicle and driven by linkage 11 through drive 7. A camera assembly 1 is mounted on a carriage which is connected to rod 8 driven longitudinally by drive 7. Motor 2 causes the camera to pivot from left to right. In use, drive 7 through rod 8 drives camera assembly 1 rearwardly causing linkage 11 to

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raise lid 10 while the camera assembly is moved outside the trunk where the camera has a visual field of an area rearwardly of the trunk. On signal, drive 7 returns camera 1 to its position inside the trunk and closes lid 10.

New claim 14 patentably defines over the JP '835 reference as follows. The claim calls for camera assembly for use with a cargo container of a commercial vehicle. The claim calls movement apparatus mounted with an upper rear area of the cargo container and mounting a camera within said cargo container in said upper rear area. The reference is directed to a passenger vehicle with the camera drive and camera mounted in the lower rear area of the vehicle.

The claim calls for a rear closure for the cargo container with a pivoted flap movable between open and closed positions. Finally, the claim calls for the movement apparatus to move the camera from inside to outside the cargo container with said camera during the movement being operative to engage and pivot the hinged flap forming an opening through the closure allowing the camera to be positioned to capture a defined field of vision to include a rear portion of the commercial vehicle and an area adjacent thereto.

The reference is not directed to a camera assembly for use with an upper rear of a cargo container. The reference structure does not provide for movement of the camera to cause the camera assembly to engage and open the rear flap. The reference does not disclose structure capable of positioning the camera in position to view a portion of the rear of the vehicle in combination with an area adjacent the vehicle rear. In the reference, because the camera is adjacent the lower area of the vehicle,

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should a portion of the vehicle be shown, there would not be sufficient adjacent area to be of assistance in backing the vehicle. By showing both a portion of the vehicle and the adjacent area, the driver is always provided a point of reference.

The references Hiroyuki nor Lechner do not provide teachings to further assist the disclosure of the JP '835 reference in regard to the rejection of claim 14.

For the reasons stated, it is believed that claim 14 clearly defines over the references of the rejection.

Claims 7, 8, 12, 13 and 15 all depend from claim 14 and are also thought to be allowable for the stated reasons.

Independent claim 16 is similar to claim 14 and includes the limitations of a cargo container of a commercial vehicle, for movement apparatus including a camera mounted with the upper rear of the cargo area, a closure secured with a rear of the cargo area extending generally vertically and including a normally closed opening in an upper area generally aligned with the movement apparatus and the camera. The reference does not teach this structure. It does not teach a generally vertical closure having an opening aligned with a movement and camera assembly mounted adjacent an upper rear area of the cargo container. The reference does not teach an arrangement capable of viewing both a defined field of vision in the rear area of the vehicle and the vehicle.

For these reasons, it is thought claim 16 defines over the references of record.

Claims 2-5 depend from claim 16 and are also thought to be allowable.

An earnest effort has been made to place the claims of the application in

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condition to define over the references of the rejection. It is respectfully requested that the examiner find the claims allowable and pass the case to issue in the due course of PTO business.

Respectfully submitted,



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